

FREDERICK COUNTY ETHICS COMMISSION

FREDERICK COUNTY, MARYLAND

OFFICE OF THE COUNTY ATTORNEY

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FREDERICK COUNTY ETHICS COMMISSION

ADVISORY OPINION 10-01

The entire purpose of the Frederick County Ethics Ordinance and all of the efforts of the Frederick County Ethics Commission are aimed at preventing conflicts of interest by public officials and employees and assisting those persons who may have inadvertently violated the law into correcting the situation and complying with the law.

Typically, advisory opinions are issued at the request of an elected official or an employee of Frederick County subject to the Ordinance. In some instances, advisories are issued upon the written request of others. The Ethics Commission initiated this Advisory Opinion to educate County employees on their responsibilities while they are employed in a public capacity:

- The Ethics Ordinance is part of the Frederick County Code;
- Elected officials, with a few exceptions, are subject to the Ordinance;
- Employees are subject to the Ordinance, except for those who are covered by the State Ethics Law or Board of Education members and employees; and
- Board and commission members are subject to the Ordinance.

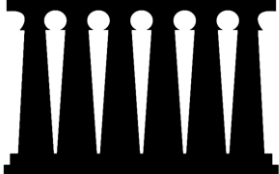
Areas of the Ordinance that everyone should be aware of include:

- Conflicts of interest;
- Financial disclosure;
- Lobbying disclosure;
- Exemptions and modifications; and
- Enforcement

Employees who are subject to the Ordinance and seek part-time employment should seek the guidance of the Ethics Commission, particularly if the part-time work is in any way related to the employee's County function or those the employee has contact with through his County employment. Once a year the following employees and officials must file a financial disclosure statement with the Ethics Commission:

- Board of County Commissioners

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- All employees who are classified on the Frederick County Government pay schedule at grade 14 or above and who are not covered by the state ethics statute
- Board of License Commissioners and Inspectors
- All construction managers and inspectors
- Members of the following boards and commissions:
 - Affordable Housing Council
 - Agricultural Preservation Advisory Board
 - Board of Appeals, Building Code
 - Board of Appeals, Zoning
 - Board of Gaming Appeals
 - Business Development Advisory Council
 - Citizens Nursing Home Board
 - Deferred Loan Program Review Committee
 - Ethics Commission
 - Insurance Committee
 - Interagency Internal Audit Authority
 - Planning Commission
 - Public Library Board
 - Retirement Plan Committee
 - Small Business Revolving Loan Fund Review Committee
 - Solid Waste Advisory Committee
 - Technology Council of Frederick County

Our review of past and present disclosure statements indicates that some who are subject to the Ordinance may not be fully aware that Section 1-7.1-4(f), Conflicts of interest, prohibits the acceptance of any gift “from any person that has or is negotiating a contract with the County, or is regulated by their agency, except when these gifts would not present a conflict of interest as determined by the Commission.” The Ordinance does permit the following unsolicited gifts:

- Meals and beverages;
- Ceremonial gifts of insignificant monetary value;
- Gifts of nominal value or trivial items of informational value;
- Reasonable expenses incurred in attending meetings where the official or employee is a speaker or participates in a panel discussion; and
- Tickets or free admission to a County elected official to attend a professional or intercollegiate sporting event or charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the office.

The Maryland State Ethics Commission has stated that “courtesy or ceremony extended to the office” should be limited to situations in which the official’s presence helps further the responsibility of the office in recognition of important events such

as opening or milestone events.¹ Common or everyday events that do not benefit from or require the presence of the official are not considered to be a “courtesy or ceremony extended to the office.” Ticket acceptance should be limited to events of importance to the sponsor and generally where the sponsor is present or participates as an integral part of the event.

Although allowed under the ordinance, the Commission encourages employees to remain cognizant of the appearance of impropriety that may accompany the acceptance of the gifts listed above. The Ethics Commission also advises all who are subject to the Ordinance to decline any other gifts from anyone who is regulated by or does business with the County. Employees who have questions about the acceptance of specific gifts are encouraged to contact the Ethics Commission for guidance.

Section 1-7.1-5, Financial disclosure, provides that the acceptance of gifts exceeding \$50.00 in value or a series of gifts totaling \$100.00 or more must be reported on the financial disclosure statement, when the person who provides the gift has a contract with the County or is regulated by their agency.

The provisions of the Ethics Ordinance and the work of the Ethics Commission include the positive public perception, compliance with the Ordinance, and avoidance of the appearance of impropriety.

November 22, 2010

Date

/s/

Andrew T. Jones, Chairman

/s/

Karl W. Bickel, Member

/s/

Paula C. Bell, Member

/s/

E. Donald Foster, Alternate Member

¹ See Opinion No. 06-01 of the State Ethics Commission dated January 19, 2006.